



General Assembly

February Session, 2004

Raised Bill No. 5239

LCO No. 1053

01053_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING SHELLFISH SANITATION AND THE
AGRICULTURAL TECHNOLOGY DEVELOPMENT ADVISORY BOARD.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-192a of the general statutes, as amended by
2 section 146 of public act 03-6 of the June 30 special session, is repealed
3 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

4 The Department of Agriculture and Consumer Protection shall be
5 the lead agency on shellfish in Connecticut. The department: (1) Shall
6 coordinate the activities of other state agencies with regard to shellfish;
7 (2) shall act as a liaison on shellfish matters between the state and
8 municipalities, including local shellfish commissions; (3) shall take
9 steps necessary to ensure compliance with federal standards for the
10 shellfish sanitation program and compliance with the National
11 Shellfish Sanitation Program Model Ordinance, as amended from time
12 to time; (4) may, in conjunction with the Department of Public Health,
13 enter into agreements with municipalities to utilize available
14 municipal resources for monitoring and testing; and (5) shall
15 encourage depuration.

16 Sec. 2. Section 26-192b of the general statutes, as amended by section
17 146 of public act 03-6 of the June 30 special session, is repealed and the
18 following is substituted in lieu thereof (*Effective July 1, 2004*):

19 The [Department of Public Health shall recommend to the]
20 Department of Agriculture and Consumer Protection shall promulgate
21 health standards for shellfish testing and shall approve private
22 laboratories to perform shellfish testing. Such health standards for
23 shellfish testing shall incorporate by reference the provisions of the
24 National Shellfish Sanitation Program Model Ordinance, as amended
25 from time to time.

26 Sec. 3. Subsection (a) of section 26-192c of the general statutes, as
27 amended by section 146 of public act 03-6 of the June 30 special
28 session, is repealed and the following is substituted in lieu thereof
29 (*Effective July 1, 2004*):

30 (a) The Department of Agriculture and Consumer Protection may
31 inspect shellfish beds and areas in this state where shellfish are grown
32 or harvested, all boats, tools and appliances used in the production
33 and preparation of shellfish and all wharves or buildings where
34 shellfish are stored, transferred, opened, packed or prepared for sale or
35 shipment. [It] The Department of Agriculture and Consumer
36 protection may [prescribe] adopt regulations, after consultation with
37 the Department of Public Health, for the sanitary growth, production,
38 purification and preparation of shellfish. Such regulations shall
39 incorporate by reference the provisions of the National Shellfish
40 Sanitation Program Model Ordinance, as amended from time to time.
41 Each commercial harvester, producer or shipper of shellfish shall
42 obtain from said department a license on which shall be stated
43 information regarding the identification of the license holder and any
44 conditions pertaining to the character of such licensee's shellfish
45 operations. Said department may establish a fee for each type of
46 shellfish license it issues. The department may require that shellfish
47 shipments be tagged or containers marked to identify the shipper by

48 name and location and the source of the shipment and furnish such
 49 other pertinent information as may apply. Any license granted under
 50 the authority of this section may be revoked by said department for
 51 cause, after notification and hearing. No person, firm or corporation
 52 shall make any shipments or deliveries of shellfish after the license of
 53 such person, firm or corporation has been suspended or revoked. Any
 54 license may be suspended pending revocation proceedings, or
 55 amended, if shellfishing operations or harvesting areas are a public
 56 health hazard or if the licensee has violated any provision of this
 57 section, section 26-192e, as amended, 26-192f, as amended, or 26-192h,
 58 as amended, or any applicable department regulation or any section of
 59 the Public Health Code concerning shellfishing. The department may
 60 refuse to issue a license if the applicant has violated any provision of
 61 this section, section 26-192e, as amended, 26-192f, as amended, or 26-
 62 192h, as amended, or any applicable department regulation or any
 63 section of the public health code concerning shellfish.

64 Sec. 4. (*Effective from passage*) Section 22-26h of the general statutes is
 65 repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>from passage</i>

Statement of Purpose:

To transfer authority to generate shellfish testing standards and testing laboratory approval from the Department of Public Health to the Department of Agriculture and Consumer Protection and to eliminate the Agricultural Technology Development Advisory Board.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]